

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
June 26, 2012  
7:05 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Goldstein  
City Manager Owens  
City Attorney Heinz

Mayor Goldstein asked for any questions or comments relating to the June 12, 2012 minutes, which were previously provided to the Board.

**Alderman Garnholz moved to approve the June 12, 2012 minutes. Alderman Maddox-Dallas seconded the motion.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### **PUBLIC REQUESTS AND PETITIONS**

None

### AN ORDINANCE TO CONSIDER AMENDING SECTIONS 125.080 AND 125.110 OF THE CLAYTON CITY CODE TO PROVIDE TERMS OF OFFICE AND TERM LIMITS FOR MEMBERS OF THE NON-UNIFORMED AND UNIFORMED PENSION PLAN TRUSTEE BOARDS

City Manager Owens reported that in 2006 the Board of Aldermen discussed the makeup and terms of our Boards and Commissions. Staff was asked to improve and clarify the guidelines and makeup of all our Boards and Commissions. The first step in the process was to provide uniform terms of office for all boards and commissions. Ordinance No. 5941 established July 1st as the beginning date for all terms and June 30<sup>th</sup> as the ending date.

At the June 12, 2012 Board of Aldermen meeting the Board approved the term limits for the Economic Development Advisory Committee, the Public Art Advisory Committee, and the Sustainability Committee.

Questions were raised about the importance of maintaining membership of individuals who have professional financial investment expertise that is required on the pension boards. The Board suggested tabling the proposed ordinance to set term limits on the Non-Uniformed Employee Retirement Board (NUERF) and the Uniformed Employees Retirement Board (UERF) until they could have more discussion on the issue. As a result of further discussion at the Board's June 15<sup>th</sup> Discussion Session it was a consensus to allow the current NUERF and UERF Boards to remain as they are without term limitations, therefore no action will be made by the Board on the proposed ordinance.

**The Board determined that they would not take action on this item.**

**AN ORDINANCE TO CONSIDER APPROVING AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF CLAYTON AND THE CLAYTON EARLY CHILDHOOD CENTER**

**Alderman Harris introduced Bill No. 6330, an ordinance to approve an amendment to the lease agreement between the City of Clayton and the Clayton Early Childhood Center to be read for the first time by title only. Alderman Maddox-Dallas seconded.**

City Manager Owens reported that on March 27, 2012 the Board of Aldermen approved the assignment of the lease for #1 Oak Knoll Park from the Clayton Child Center to the Clayton Early Childhood Center. The Clayton Child Center assigned its interest in the Lease to the Clayton Early Childhood Center effective as of June 1, 2012. That lease is nearing the end of its term and, in order to allow time for the development of a new lease, in front of you tonight is a lease amendment allowing for a six month extension on the existing lease. The elements of the amendment are summarized below:

- The existing assumed lease will be extended for six months with the new expiration date of December 31, 2012.
- The Clayton Early Childhood Center will not pay rent during the extension as was previously agreed to by the City.
- All other conditions of the existing lease will remain in effect.

Once the lease is transferred to the new organization, an amended and restated lease will be developed that will include the following terms:

- An initial five year term with a five year extension.
- In year 1 (2013), the lease payment will be set at \$2,500/month; in year 2 (2014), the lease payment will be set at \$5,000/month; in years 3 – 5 (2015 – 2017), the lease payment will be set at \$7,500/month.
- Capital improvements will be made by CECC in a mutually agreed plan in the first five years paid by CECC; if lease is not renewed for five year extension at the end of the first term, the City will reimburse the organization for 50% of these costs.
- The CECC will reimburse the City for 50% of the costs for a new playground on the existing playground site north of the child center. The estimated price range for the playground is \$150,000 to \$300,000 and will be similar in design to that installed recently in Shaw Park.
- All other terms of the lease related to insurance, parking and usage will remain in effect.

Recommendation is to approve the ordinance amending the lease between the City of Clayton and the Clayton Early Childhood Center.

In response to Alderman Garnholz's question, City Manager Owens confirmed that the graduated lease payments will be paid as specified and that the CECC will continue to pay \$7,500 per month in the extension period.

**City Attorney Heinz reads Bill No. 6330, an ordinance to approve an amendment to the lease agreement between the City of Clayton and the Clayton Early Childhood Center for the first time by title only.**

**The motion passed unanimously by a voice vote.**

**Alderman Harris introduced an ordinance to approve an amendment to the lease agreement between the City of Clayton and the Clayton Early Childhood Center to be read for the second time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney Heinz read Bill No. 6330 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6211 of the City of Clayton.**

**A RESOLUTION TO CONSIDER APPROVING A REVISED LIST OF PROJECTS FOR THE CLAYTON CENTURY FOUNDATION TO USE AS FUNDRAISING TARGETS**

City Manager Owens reported that staff and the Clayton Century Foundation are returning to the Board of Aldermen to request that two new projects be added to the approved project list for the purpose of fundraising by the Clayton Century Foundation. As you know, in 2010, the Board approved the first list of capital projects and subsequently added to that list earlier this year at their February 28, 2012 meeting.

To date, the Foundation has raised funds that have, along with governmental grants and city funding, enabled the following projects to move forward:

- Shaw Park Recreational Trail
- Permanent Community Pavilion in Shaw Park
- Shaw Park Tennis Court improvements
- Hanley Park Pavilion
- Century Garden Art Piece
- Hanley House Porches and Interpretive Signage

Additional projects on the list include:

- DeMun Park comfort station
- Hanley House improvements as recommended in the building assessment
- Shaw Park Ice Rink improvements
- Expansion of green space
- System wide playground improvements
- Hanley House Interpretive Center
- Hillside improvements on the Northeast corner of Shaw Park
- Additional art throughout the City of Clayton
- Projects contained within the Downtown Master Plan
- Center of Clayton Improvements (in cooperation with the School District of Clayton)

At this time we are asking that two new projects be added to the approved project list. These include:

- Dog Park at Haddington Court
- Shaw Park Master Plan Overlay

Recommendation is to approve the resolution.

**Alderman Harris moved to approve Resolution No. 12-18, a revised list of fundraising projects for the Clayton Century Foundation. Alderman Maddox-Dallas seconded.**

Alderman Berger commented that he feels this is an excellent collaboration with Clayton Century Foundation for them to work on these projects. He expressed his concern as to the priority of the projects and how they are aligned with the Parks and Recreation staff's schedule of projects.

Mayor Goldstein reminded the Board of the matrix they reviewed last year during budget review. She stated that some initiatives were added due to donor contributions and that they could revisit and look at the priorities again.

Alderman Harris commented that the Master Plan has a long list of projects for Parks and Recreation. A system is in use that determines priority and added that funding can change those priorities.

City Manager Owens added that the Board would be reviewing the project matrix again this year during the budget process.

**The motion passed unanimously on a voice vote.**

**A MOTION TO APPROVE A LIQUOR LICENSE TO SELL ALL KINDS OF INTOXICATING LIQUOR AT RETAIL BY THE DRINK, INCLUDING SUNDAYS FOR BAR LES FRERES AT 7637 WYDOWN BLVD.**

City Manager Owens reported that Zoe 4, LLC is requesting a liquor license to sell all kinds of intoxicating liquor at retail by the drink, including Sundays, at 7637 Wydown Blvd. under the name Bar Les Freres.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning Department has also reviewed the application and has no objections to the approval of the application.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell all kinds of intoxicating liquor at retail by the drink, including on Sundays.

In response to the Board's questions, Ms. Zoe Robinson stated that Bar Les Freres will not be open on Sundays as stated. She said that they are currently under construction and anticipates opening the restaurant within 30 days.

City Manager Owens explained that the phrase "*including Sundays*" is part of the classification of liquor license.

**Alderman Harris moved to approve a liquor license for Bar Les Freres. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

**A MOTION TO APPOINT MEMBERS TO THE BOARDS AND COMMISSIONS**

Alderman Harris moved to approve the Mayor's appointments as listed below:

Board of Adjustment

Ward 1 – Ray Tait (Reappointment for a 5-year term through June 30, 2017)

City Plan Commission/ARB

Ward 1 – Marc Lopata (Reappointment for a 3-year term through June 30, 2015)

Ward 3 – Steve Lichtenfeld (Appointment for a 3-year term through June 30, 2015)

Economic Development Advisory Committee

Ward 2 – Charles Farris (Reappointment for a 3-year term through June 30, 2015)

Industrial Development Authority

Ward 1 - Walter Wittenberg (Reappointment for a 6-year term through June 30, 2018)

Non-Uniformed Employees Retirement Fund

Ward 1 – William Grayson (Reappointment for a 3-year term through June 30, 2015)

Public Art Advisory Committee

Ward 2 – Sheldon Stock (Reappointment for a 3-year term through June 30, 2015)

Sustainability Committee

Ward 1 – Diane Meyer (Reappointment for a 3-year term through June 30, 2015)

Mayor Goldstein thanked the Board for doing an outstanding job of getting the appointment information done in a timely manner. She said that there are just a few more appointments to be done and hopes to have them completed at the next meeting. Mayor Goldstein also announced that there will be a Boards and Commissions recognition reception scheduled very soon. City Clerk June Waters would be contacting everyone for their schedule.

Other

None

**Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.**

**The motion passed unanimously on a roll call vote cast as follows: Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Maddox-Dallas – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Goldstein – Aye.**

There being no further regular business the meeting adjourned at 7:26 p.m.

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Mayor

ATTEST:

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City Clerk